

Part M

Human Resources

Social Services – Generally

Family Investment Program

Senate Bill 53/House Bill 530 (both passed) increase the earned income disregard for Temporary Cash Assistance (TCA) recipients who obtain unsubsidized employment from 35 percent to 40 percent of earned income, contingent on the availability of federal funds. TCA is the State's cash assistance program for welfare recipients.

These bills also require that if the Secretary of the Department of Human Resources determines that federal funding under the Temporary Assistance to Needy Families Block Grant has declined to the extent that an increase in State funds is necessary to finance the extended State cash assistance benefits for welfare recipients pursuant to this bill, the Secretary must certify this to the Joint Committee on Welfare Reform. Upon certification, these bills are null and void. The increase in the earned income disregard may not increase State general fund expenditures or expenditures from the Dedicated Purpose Fund for the Family Investment Program, a reserve fund for future welfare costs.

Subject to federal law and regulation, if a TCA recipient's eligibility for cash assistance is extended because of these bills, the extended period of cash assistance is not subject to federal and State time limits. These bills also eliminate the provision from Chapter 469 of 1999 that requires the earned income disregard to return to 26 percent on July 1, 2002.

Temporary Cash Assistance Funding

Under State law, the Governor must annually provide funding in the budget to increase the TCA grant to a level that brings the combined value of TCA and food stamps to 61 percent of the State's minimum living level or send a letter to the General Assembly indicating why a grant increase was not provided. The proposed fiscal 2003 budget did not provide sufficient funding to support the current TCA caseload and finance a grant increase. *Senate Bill 323 (passed)*, the Budget Reconciliation of Financing Act of 2002, permits \$3.3 million from the Joseph Fund to be used for a TCA grant increase in January 1, 2003, and \$4.7 million to fund the fiscal 2004 cost of the grant increase. The grant increase will bring the combined value of the TCA grant and food stamps to 61 percent of the State's minimum living level and provide the typical recipient with an additional \$8 per month.

House Bill 495 (passed) repeals the termination date for the Child Support Enforcement Privatization Pilot Program in Baltimore City and Queen Anne's County, alters the name to the Child Support Enforcement Privatization Program (CSEPP), and alters the scope of the program. The bill requires the Secretary of Human Resources to establish 22 demonstration sites to compete with the privatization sites on a phased-in basis. The demonstration site phase-in must be completed by July 1, 2005. This bill takes effect July 1, 2002 and remains effective through June 30, 2005.

The Elderly

Retirement Communities

Senate Bill 355 (passed) broadens the health related services that Continuing Care Retirement Communities (CCRC) must provide and what it means to make medical and nursing services or other health related services available to subscribers. CCRCs furnish (1) shelter and (2) either medical and nursing services or other health related services to an individual 60 years old or older and who is not related to the provider, under one or more written agreements that require the transfer of assets or an entrance fee.

Under current law, "health related services" means at a minimum priority admission to a nursing home or assistance in daily living activities that do not include meals. *Senate Bill 355* broadens the definition of "health related services" to services that are needed by a subscriber to maintain the subscriber's health and adds admission to an assisted living program as a potential service. The bill specifies that when "making available either medical and nursing services or other health related services" the provider or an affiliate must have the services readily accessible for use by a subscriber whether or not the services are specifically offered in the written agreement for shelter.

The bill enables people to receive refunds from CCRCs more quickly if they move out within the first 90 days. It also requires providers to refund an individual's entrance fee within 60 days of an agreement being terminated or of the individual's death under certain circumstances.

The Department of Aging (MDoA) may petition for the appointment of a receiver for a CCRC if the department has determined that there is a significant risk of the provider's financial failure.

In addition, CCRCs will have a more flexible time frame to fund their operating reserves. CCRCs will have up to ten fiscal years after the later of October 1, 1996, or the date of the CCRC's initial certificate of registration to set aside operating reserves for each facility that equal 15 percent of the net operating expenses for the most recent fiscal year a certified financial statement is available.

MDoA may impose a civil penalty of up to \$5,000 per violation for any action or inaction that violates the bill's provisions or related regulations. CCRCs will have the right to appeal the penalty under the Administrative Procedure Act. All money collected from penalties must be deposited into the State's general fund.

This bill is a result of recommendations made by the department's Continuing Care Advisory Committee. There are 31 continuing care retirement communities within the State.

Senate Bill 535 (passed) establishes a Naturally Occurring Retirement Community Demonstration Program within MDoA. The program will award grants to program participants to provide services that help elderly residents in naturally occurring retirement communities. No more than ten grants may be awarded in the first 12-month period. Grants may not exceed \$150,000 for a project in any 12-month period and generally must be matched with an equal amount of funds, 25 percent of which must come from the grant applicant. The MDoA may waive all or part of the matching requirements if a low-income naturally occurring retirement community cannot afford the match. This program is effective from October 1, 2002 through August 31, 2005, contingent upon the availability of federal funds. The State may not expend general funds to implement the program.

The Disabled

Developmental Disabilities Administration

Cost-of-Living Increase

As part of its fiscal 2002 cost containment effort, the Department of Health and Mental Hygiene proposed requiring the cost-of-living increase in a developmentally disabled individual's supplemental security income (SSI) benefits to be used toward the person's contribution for residential services. *Senate Bill 658/House Bill 1014 (both passed)* prohibit the department from requiring a cost-of-living increase to be used toward the individual's contribution for residential services. Instead, individuals must be allowed to keep the cost-of-living increase as part of their personal needs allowance. During fiscal 2002, the Developmental Disabilities Administration (DDA) may use money from the Waiting List Equity Fund to allow SSI recipients' cost-of-living increase to be added to individuals' personal needs allowance. DDA must reimburse the fund by July 30, 2002.

Provider Reporting Requirements

Senate Bill 230/House Bill 234 (both passed) allow DDA to impose a fine on a private, community-based service provider of up to \$500 for each day a provider's cost report for rate-based payment services or a wage survey is not submitted or corrected. DDA may also withhold payments to that provider for failure to submit a cost report or a wage survey on time or for one that needs correction.

Long-Term Care

House Bill 752 (Ch. 84) requires a nursing facility, through a social worker, to provide a resident with a one-page information sheet that: (1) explains the availability of services under home- or community-based waiver programs that could enable the resident to live in the community; (2) explains that if the resident's care is partially or fully reimbursed by Medicaid, the resident may be able to receive long-term care services in the community instead of in the nursing facility; (3) provides information regarding referrals to residents that may provide additional information, case management services, or evaluation services related to home- and community-based waiver programs; and (4) is in large, easily legible type and in formats accessible to the resident.

The long-term care case manager at a local department of social services must: (1) provide assistance to residents and make referrals to persons that may help provide additional information, case management services, or evaluation services related to Medicaid waiver programs or other options for receiving long-term care services in the

community; (2) provide the same information to the resident's health care representative or legal guardian; and (3) ensure that a copy of the information provided is kept in a resident's client file.

Sunset Extension

Senate Bill 130/House Bill 134 (both passed) extend the sunset date for the Office for Individuals with Disabilities from July 1, 2004, to July 1, 2015. It also extends the deadline for a sunset evaluation of the office from July 1, 2003, to July 1, 2014.

Children

Child Care

There are currently 4,220 child care facilities throughout the State that are caring for children whose parents pay for services with Purchase of Care vouchers from the Department of Human Resources (DHR).

House Bill 986 (passed) creates the Child Care Quality Incentive Grant Program within DHR to help qualified child care providers purchase supplies, materials, and equipment to improve the quality of care they provide. To be eligible to receive grants, child care providers must have a current certificate of registration or license that is not subject to pending regulatory action, including revocation and suspension. Grants will be limited to child care centers in Title I communities, child care centers where at least 25 percent of the children enrolled receive subsidies through the Purchase of Care program, and family day care homes that serve children who receive Purchase of Care subsidies. Grants may not exceed \$2,500 and may only be awarded if federal funds are available to cover the cost.

Foster Care

House Bill 827 (passed) is a departmental bill that alters foster care recipients' eligibility for the waiver of tuition and fees at public institutions of higher education. Instead of residing in foster care homes at the time of their eighteenth birthdays, foster care recipients must reside in foster care homes at the time of their high school graduations or upon completion of their general equivalency development (GED) examinations. The bill also clarifies that only foster care recipients who were placed in foster care by the DHR are eligible for the tuition waivers.

Joint Committee on Children, Youth, and Families

The Joint Committee on Children, Youth, and Families, established in 1999, is charged with identifying State policies and actions that promote conditions of well-being for Maryland's children, youth, and families. The committee must report on its work and any recommendations to the General Assembly by December 1 of each year.

Senate Bill 39/House Bill 45 (both passed) are emergency bills that extend the termination date for the committee from May 31, 2002, to June 30, 2009.

Office for Children, Youth, and Families

House Bill 971 (passed) expands the role of the Governor's Office for Children, Youth, and Families (OCYF) by establishing the Office of the Independent Juvenile Justice Monitor within OCYF. The office must review and evaluate the procedures and conditions at residential facilities, including: the child advocacy grievance process, the monitoring process of the Department of Juvenile Justice (DJJ), the treatment of and services to youth, the physical conditions of each facility, and the adequacy of staffing at each facility. For a more detailed discussion of *House Bill 971*, see the subpart "Juvenile Law" under Part E - Crimes, Corrections, and Public Safety of this *90 Day Report*.

House Bill 1386 (passed) makes various changes to the law pertaining to OCYF. The bill codifies the existing 25-member Maryland School-Based Health Policy Advisory Council within OCYF. The bill also requires the Subcabinet for Children, Youth, and Families to develop a plan to improve access to services for children with special needs, develop community-based resources for children with intensive needs and children at risk of residential placement, and reduce the number of children placed outside of their home communities. Finally, the bill extends the sunset date for OCYF to July 1, 2005, and makes numerous technical corrections to existing OCYF law.

Camps

Senate Bill 617 (passed) increases the number of residential camps regulated by the Department of Health and Mental Hygiene (DHMH) by altering the definition of a residential camp. The minimum number of days a camp operates is changed from seven consecutive 24-hour days to five consecutive days. The bill also requires DHMH to adopt regulations regarding the minimum standards for supervising campers during routine activities. DHMH may not adopt regulations that set ratios for campers to medical staff except for: (1) camp health supervisors at a camp where 50 percent or more of the campers have identified medical problems; (2) personnel required to meet emergency safety standards; and (3) camp health supervisors, or their designees, trained to administer medicine to campers.